IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

Bail Appl..No. 4344 of 2007()

CRIME NO.270/2007 OF PERINTHALMANNA POLICE STATION

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PETITIONER/ACCUSED(IN CUSTODY)

JAFFER, AGED 20 YEARS,
S/O MOIDEENKUTTY, PERUMPALA HOUSE,
ALIPARAMBA AMSOM & KAMPRAM DESOM OF
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.K.MUHAMMED SALAHUDHEEN

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.
(CRIME NO.270/2007 OF PERINTHALMANNA P0LICE STATION)

BY PUBLIC PROSECUTOR SRI.P.RAVEENDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4344 of 2007

Dated this the 18th day of July 2007

O R D E R

Application for regular bail. The petitioner faces allegations of having committed the offence of murder punishable under Section 302 I.P.C. The victim is a woman. She was allegedly found dead with injuries. A crime was initially registered under Section 174 Cr.P.C under the caption 'unnatural death'. Investigation commenced. In the course of investigation, the complicity of the petitioner, a relative of the deceased, was allegedly revealed. The petitioner was arrested. On the confession statement made by him, a valuable ornament of the deceased was allegedly recovered. Investigation is not complete yet. The petitioner continues in custody from 24/4/2007.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The only submission made by the learned counsel for the petitioner is that after the petitioner gets bail and comes out, the petitioner wants to file an application for a competent enquiry by the C.B.I, in which event, truth will be revealed. No other statements are made.

3. The learned Public Prosecutor opposes the application. Investigation is not complete. Sufficient inputs pointing to the complicity of the accused have been collected. The petitioner may not

be enlarged on bail at this stage, submits the learned Public Prosecutor.

4. I find merit in the opposition by the learned Public Prosecutor. Detailed reference to the facts does not appear to be necessary. Suffice it to say that in coming to the conclusion that the petitioner who has been in custody from 24/4/2007 is not entitled to grant of bail, I have taken note of the nature and gravity of the allegations, the quantum and quality of the data collected as also the possible deleterious impact which shall be release of the petitioner on bail would leave behind in the investigation of this crime in particular and the law and order situation in general. I am certainly of the opinion that the petitioner cannot be enlarged on bail at this stage.

5. In the result, this petition is dismissed. I may hasten to observe that the dismissal of this petition will not in any way fetter the rights of the petitioner to approach the learned Sessions Judge or this court for bail at a later stage. Needless to say, if investigation is not completed within ninety days, the petitioner shall be entitled to claim bail by default before the learned Magistrate.

6. With the above observations, this petition is dismissed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007